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PATENT

Attorney Docket No. 01936.0009.NPUS01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David J. BAUER, et al.

Group Art Unit: 3624

Examiner: Not Yet Known

Serial No.: 10/627,547

Filing Date: 25 July 2003

Title: **Online Bidding System**

CERTIFICATE OF MAILING

I hereby certify that the within correspondence and any listed enclosures are being deposited with the United States Postal Service in a sealed envelope with sufficient prepaid first-class postage thereon, said envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on 24 September 2004.

Signed

Todd V. LEONE

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 CFR §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior

art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. (1138 OG 37, 38 (May 19, 1992).)

Applicants have checked the appropriate boxes below.

- ☒ 1. This Information Disclosure Statement is being filed;
- ☐ a. Within three months of the U.S. filing date of a national application other than a continued prosecution application under §1.53(d);
 - ☐ b. Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
 - ☒ c. Before the mailing date of a first Office Action on the merits;
 - ☐ d. Before the mailing of a first Office Action after filing of a request for continued examination under § 1.115.

No statement under 37 CFR § 1.97(e) or fee is required.

OR

- ☐ 2. This Information Disclosure Statement is being filed after the period specified in paragraph 1(a)-1(d) above, but before the mailing date of a Final Rejection or Notice of Allowance, or action that otherwise closes prosecution in the application, and
- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR § 1.97(e)(1), or
 - ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart

foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR § 1.97(e)(2), or

☐ c. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 CFR § 1.17(p).

☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but on or before payment of the Issue Fee. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 CFR § 1.17(i), and

☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR § 1.97(e)(1), or

☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR § 1.97(e)(2).

☐ 4. Relevance of the non-English language document(s) is discussed in the present specification.

☐ 5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.

- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☒ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. 10/876,751, filed 25 June 2004, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- ☐ 8. Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 CFR § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any additional fees that may be due, including extension fees, or credit any overpayment, to our Deposit Account No. 08-3038 (our Order No. 01936.0009.NPUS01).

Respectfully submitted,

HOWREY SIMON ARNOLD & WHITE, LLP

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Substitute for form 1449A/PTO

SEP 27 2004

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 3

Complete if Known

Application Number	10/627,547
Filing Date	25 July 2003
First Named Inventor	David J. BAUER et al.
Group Art Unit	3624
Examiner Name	Not Yet Known
Attorney Docket Number	01936.0009.NPUS01

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)				
	AA	4,412,287	B1	10/25/1983	Braddock III	
	AB	4,789,928	B1	12/06/1988	Fujisaki	
	AC	5,835,896	B1	11/10/1998	Fisher et al.	
	AD	5,818,914	B1	10/06/1998	Fujisaki	
	AE	6,012,045	B1	01/04/2000	Barzilai et al.	
	AF	6,023,685	B1	02/08/2000	Brett et al.	
	AG	6,044,363	B1	03/28/2000	Mori et al.	
	AH	6,055,514	B1	04/25/2000	Wren	
	AI	6,191,099	B1	12/12/2000	Harrington et al.	
	AJ	6,230,146	B1	03/08/2001	Alaia et al.	
	AK	6,243,691	B1	06/05/2001	Fisher et al.	
	AL	6,366,899	B1	04/02/2002	Kernz	
	AM	6,366,891	B1	04/02/2002	Feinberg	
	AN	6,415,270	B1	07/02/2002	Rackson et al.	
	AO	6,449,601	B1	09/10/2002	Friedland et al.	
	AP	6,519,570	B1	02/11/2003	Faber et al.	
	AQ	6,564,192	B1	05/13/2003	Kinney Jr. et al.	
	AR	6,606,607	B1	08/12/2003	Martin et al.	
	AS	6,609,112	B1	08/19/2003	Boarman et al.	
	AT	6,647,373	B1	11/11/2003	Carlton-Foss	
	AU	6,665,649	B1	12/16/2003	Megiddo	
	AV	6,671,674	B1	12/30/2003	Anderson et al.	
	AW	2001/0021923	A1	09/13/2001	Atkinson et al.	
	AX	2002/0032634	A1	03/14/2002	Abrams et al.	
	AY	2002/0082971	A1	06/27/2002	Le et al.	
	AZ	2002/0103740	A1	08/01/2002	Maroney	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)						
	BA	WO	00/34899	A1	06/15/2000	Handler		
	BB	WO	02/48931	A2	06/20/2002	Thut		
	BC	WO	01/82191	A2	11/01/2001	Kaen		
	BD	WO	98/34187	A1	08/06/1998	Groeftehaug		

Examiner
SignatureDate
Considered

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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(use as many sheets as necessary)

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U.S. PATENT DOCUMENTS[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

**Examiner
Signature**

Date
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		First Named Inventor	David J. BAUER et al.
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		Examiner Name	Not Yet Known
		Attorney Docket Number	01936.0009.NPUS01
Sheet	3	of	3

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	BO	ART WARBELOW AND JIRO KOKURYO, "Aucnet: TV Auction Network System," Harvard Business School Article, 07/19/1989, Publishing Division, Harvard Business School, Boston, Massachusetts.	
	BP	TODD E. ROCKOFF AND MICHAEL GROVES, "Design of an Internet-based system for remote Dutch auctions," <i>Internet Research: Electronic Networking Applications and Policy</i> , Vol. 5, No. 4, 1995, pp. 10-16, MCB University Press, Bradford, West Yorkshire, England.	
	BQ	FERNANDO BRANCO, "The design of multidimensional auctions," <i>Rand Journal of Economics</i> , Vo. 28, No. 1, Spring 1997, pp. 63-81.	
	BR	MOTTY PERRY, ELMAR WOLFSTETTER AND SHMUEL ZAMIR, "A Sealed-Bid Auction that Matches the English Auction," academic paper, May 1999, Hebrew University of Jerusalem and Humboldt University of Berlin.	
	BS	JOHN Lewell, "New Auction Company Is Set To Be Global Player," news article, 06/23/1999, http://news.earthweb.com/bus-news/article.php/142691 , Earthwebnews.com.	
	BT	STEVEN POLLOCK AND LISA HAWES (contacts), "DoveBid Announces Live Webcast Capabilities for On-Site B2B Asset Auctions, press release, 02/22/2000, DoveBid, Inc., Foster City, California.	
	BU	ALEXANDRA PEERS AND GEORGE ANDERS, "Online: Web Auctions Get Haute - Sotheby's Deal Could Shake Art Market," <i>The Wall Street Journal</i> (eastern edition), 06/17/1999, p. B1, New York, New York.	
	BV	ALVIN E. ROTH AND AXEL OCKENFELS, "Last Minute Bidding and the Rules for Ending Second-Price Auctions: Theory and Evidence from a Natural Experiment on the Internet," Working Paper No. 7729, June 2000, National Bureau of Economic Research, Cambridge, Massachusetts.	
	BW	NETWORK INTERNATIONAL, INC., "NetworkOil Acquires Premier Auctioneers International, Inc.," press release, 08/02/2000, Network International, Inc., www.networkintl.com , Houston, Texas.	
	BX	DATAMATION PRODUCT WATCH, "Auction Broadcaster - Include Internet Users in Live Auctions," internet article, 09/12/2000, http://earthweb.com , Jupitermedia Corporation, Darien, Connecticut.	
	BY	RALPH AND TERRY KOVEL, <i>Kovel's Bid, Buy and Sell Online: Basic Auction Information and Tricks of the Trade</i> , 2001, Three Rivers Press, New York, New York.	
	BZ	LELAND HARDEN AND BOB HEYMAND, <i>The Auction-App: How Companies Tap the Power of Online Auctions to Maximize Growth</i> , 2002, McGraw-Hill, New York, New York.	
	CA	SUSAN BARBER (contact), "Greg Manning Auctions, Inc. Presents the 'Certified Comic Book Sale' Saturday 4 February 2001," press release, 22 February 2001, http://www.gregmanning.com , Greg Manning Auctions, Inc., West Caldwell, New Jersey.	
	CB	DAVID CHRISTOPHER PARKES, "Iterative Combinatorial Auctions: Achieving Economic and Computational Efficiency," dissertation, 2001, University of Pennsylvania, Philadelphia, Pennsylvania.	
	CC	JONATHAN ANDREWS, "Auctions in cyberspace," <i>CA Magazine</i> , December 2002, Toronto, Ontario, Canada.	
	CD	JULIA SCHINDLER, "Late Bidding on the Internet," research paper, March 2003, Catholic University, Leuven, Belgium.	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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